

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2574 OF 2004

Shri Babasaheb Pandit Patil	..Petitioner
Versus	
The State of Maharashtra	..Respondent

Mr.A.P.Mundargi with Amit B. Borkar for petitioner

Mr.D.S.Mhaispurar, APP for State

Mr.S.S.Patwardhan & P.G.Chavan for Respondent No.2.

CORAM : R.M.S.KHANDEPARKER &
P.V.KAKADE, JJ.

DATE : 16TH FEBURARY, 2005.

P.C.

1. Heard the learned advocates for the Petitioner and the Respondents. It is stated that the investigation is almost complete. We have also perused the 164 Statements recorded in the matter. The Investigation Officer has also stated that for the purpose of concluding the investigation and before filing of the charge-sheet the presence of the

Petitioner is not required though the same would be needed at the time of filing of the charge-sheet. Considering the same the learned advocate for the Petitioner has fairly submitted that he is not pressing for prayer clause (b) in the Petition in relation to the quashing of FIR. He has further submitted that the Petitioner would be available as and when required by the police and also will appear before the Magistrate at the time of filing of the charge-sheet. The learned advocate for the petitioner has also stated that the petitioner will not interfere in any manner in the investigation and shall not influence the witnesses in any manner. We accept the said statement. The Petitioner to appear before the Magistrate at the time of filing of the charge-sheet as per the intimation given by the Investigation Officer and shall cooperate with the Investigation Officer for completion of the investigation. Since his detention in custody is not required for the investigation, the statement in that regard of the Investigation Officer is accepted and hence no further direction is required in that regard. Needless to say that the Petitioner to appear before the Magistrate after filing of the charge-sheet. With this direction the Petition stands disposed of.

2. The statements recorded under section 164, which are produced for our perusal, are required to be returned to the concerned Magistrate and the Registry shall return the same in sealed cover and the Investigation Officer shall deliver the same to the Court of Magistrate at Panhala, Kolhapur.

(R.M.S.Khandeparkar, J.)

(P.V.Kakade, J.)